

GA-1633#

DOCKET NO.: MGH-0026

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 18 2001

TECH CENTER 1600 2900

**In Re Application of:**

Wands and Encke

**Serial No.:** 09/600,493

**Group Art Unit:** 1633

**Filing Date:** July 18, 2000

**Examiner:** C. Drabik

**For:** GENETIC IMMUNIZATION WITH NONSTRUCTURAL PROTEINS OF THE  
HEPATITIS C VIRUS

DATE OF DEPOSIT: 8 MAY 2001

I HEREBY CERTIFY THAT THIS PAPER IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL  
SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID  
ON THE DATE INDICATED ABOVE AND IS  
ADDRESSED TO THE ASSISTANT COMMISSIONER  
FOR PATENTS, WASHINGTON, DC 20231.

Paul K. Legaard  
TYPED NAME: Paul K. Legaard  
REGISTRATION NO.: 38,534

Box ☐ NON-FEE

☐ AF

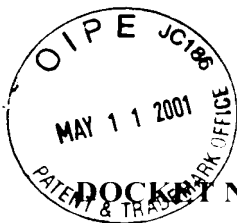
Assistant Commissioner for Patents  
Washington DC 20231

Sir:

**AMENDMENT TRANSMITTAL LETTER**

Transmitted herewith for filing in the above-identified patent application is:

- ☐ A Preliminary Amendment.
- ☒ An Amendment Responsive to the Office Action Dated December 8, 2000.
- ☐ An Amendment Supplemental to the Paper filed \_\_\_\_\_.
- ☐ Other: \_\_\_\_\_.



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PATENT

- ☐ Applicant(s) has previously claimed small entity status under 37 CFR §1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR §1.27 as:
  - ☐ an Independent Inventor
  - ☐ a Small Business Concern
  - ☐ a Nonprofit Organization
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the Patent and Trademark Office.
- ☐ Substitute Pages \_\_\_\_\_ of the Specification are enclosed.
- ☐ An Abstract is enclosed.
- ☐ \_\_\_\_\_ Sheets of Proposed Corrected Drawings are enclosed.
- ☐ A Certified Copy of each of the following applications: \_\_\_\_\_  
\_\_\_\_\_ is enclosed.
- ☐ An Associate Power of Attorney is enclosed.
- ☐ Information Disclosure Statement.
  - ☐ Attached Form 1449.
  - ☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- ☐ Appended Material as follows: \_\_\_\_\_ .
- ☐ Other Material as follows: \_\_\_\_\_ .

## FEE CALCULATION

☐ No Additional Fee is Due.

				SMALL ENTITY		NOT SMALL ENTITY	
	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	RATE	FEE	RATE	FEE
TOTAL CLAIMS	27	33 (20 MINIMUM)	0	\$9 EACH	\$	\$18 EACH	\$0
INDEP. CLAIMS	3	3 (3 MINIMUM)	0	\$40 EACH	\$	\$80 EACH	\$0
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$135	\$	\$270	\$0
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$	\$110	\$0
<input checked="" type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$195	\$	\$390	\$390
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$445	\$	\$890	\$0
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$690	\$	\$1390	\$0
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME				\$945	\$	\$1890	\$0
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$ )	minus	(\$0 )
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$	\$110	\$0
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:							0
TOTAL FEE DUE							\$390

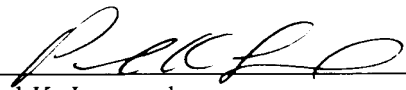
- ☒ A Check is Enclosed in the Foregoing Amount Due.
- ☒ Petition is hereby made under 37 C.F.R. 1.136(a) to extend the time for response to the Office Action of **December 8, 2000** to and through **May 8, 2001** comprising an extension of the shortened statutory period of **two** month(s).
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is

further authorized to charge any fees related to any such extension of time to deposit account 23-3050. This sheet is provided in duplicate.

- ☒ The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to deposit account 23-3050. This sheet is provided in duplicate.
- ☐ The Foregoing Amount Due for Filing this Paper.
- ☒ Any additional filing fees required, including fees for the presentation of extra claims under 37 C.F.R. 1.16.
- ☒ Any additional patent application processing fees under 37 C.F.R. 1.17 or 1.20(d).

**SHOULD ANY DEFICIENCIES APPEAR** with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: 8 MAY 2001

  
Paul K. Legaard  
Registration No. 38,534

Woodcock Washburn Kurtz  
Mackiewicz & Norris LLP  
One Liberty Place - 46th Floor  
Philadelphia PA 19103  
Telephone: (215) 568-3100  
Facsimile: (215) 568-3439



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**Wands and Encke**

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For: **GENETIC IMMUNIZATION WITH NONSTRUCTURAL PROTEINS OF  
THE HEPATITIS C VIRUS**

I, **Paul K. Legaard**, Registration No. **38,534** certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

On May 8, 2001

  
Paul K. Legaard Reg. No. 38,534

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

**AMENDMENT AND REQUEST FOR RECONSIDERATION**

In response to the Office Action mailed December 8, 2000 in connection with the above-identified patent application, Applicants respectfully request that the application be amended as follows. The period for responding to the Office Action has been extended, by enclosure of a petition and fee, to and through May 8, 2001.

**In the Specification:**

At page 1, after the title, please insert the following paragraph:

**--CROSS-REFERENCE TO RELATED APPLICATIONS**

The present application claims benefit of international application No. PCT/US99/01823 filed on January 28, 1999, which was published under PCT Article 21(2) in English, which claims

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